

REMARKS

In the parent to the above-identified application, claims 1–22 were presented for examination. Examiner mailed a first and nonfinal Office Action on July 12, 2001. In that Office Action, Examiner rejected claims 1–6, 8–10 and 20–21 under 35 U.S.C. § 103 over Yasumoto in view of, and as modified by, Gentile, Konieczka, Butler and Willis et al. In response, Applicants canceled these claims, as well as claims 11, 16–19 and 22. Claims 7 and 12–15 of the parent were amended and issued in U.S. Patent No. 6,415,651.

Applicants note that for Examiner's convenience, the July 12, 2001 Office Action response was included in the filing of the present application, however, it was apparently regarded as a preliminary amendment under 35 U.S.C. § 1.115. *See* Exhibit A – postcard labeled A–1 and original Filing Receipt labeled A–2. As a result, amended claims 7 and 12–15 of the parent application are the claims pending prior to this Preliminary Amendment. By way of this Preliminary Amendment, Applicants intend to cancel those claims or any others which may be deemed to be pending. *See* Exhibit B – updated Filing Receipt labeled B–1 and Response to Request for Corrected Filing Receipt labeled B–2, denying Applicants' requests to correct the Filing Receipt. Accordingly, claims 1–22 have been canceled. Applicants have added new claims numbered 23–50.

In view of this, new claims 23–50 are now the only pending claims in this application. These new claims are supported by the specification, drawings, originally filed claims and the like such that new matter has not been introduced.

Claims 23–50 are neither anticipated by, nor are they obvious, in view of the Yasumoto and Gentile references. Generally, claim 23, among other limitations, requires a clamp operated by a ram and positioned relative to a tank. The Yasumoto reference does not disclose or suggest this apparatus. Likewise, the claimed apparatus is not disclosed or suggested by Gentile. In fact, neither the Yasumoto or Gentile reference provides any disclosure suggesting modification of one reference in view of the other.

To the contrary, Yasumoto discloses electrode plates “4₁” and “4₂” that are used to “sandwich” a sealed package. *See* Yasumoto column 2, lines 12 through 15. These electrode

plates “4₁” and “4₂” are integral components of a circuit used to measure capacitance and are therefore, by necessity, electrically isolated. *See* Yasumoto column 2, lines 18 through 21. Thus, to combine the ram “36” of Gentile to these plates “4₁” and “4₂” would destroy their electrical isolation and ruin the *critical functionality* of the reference. *See* Gentile column 3, lines 21 through 25. Applicants respectfully contend that Yasumoto and Gentile cannot establish a *prima facie* basis for an obviousness rejection,

CONCLUSION

Applicants respectfully request entry of the identified amendments and submit that the current pending claims are in condition for allowance.

Respectfully submitted.

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

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Apr. 15, 2003

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